

REMARKS

Claims 1, 3-10, and 12-23 are pending. Claims 22 and 23 have been amended by the present amendment. Claims 1, 10, 17, 22, and 23 are in independent form.

In the office action mailed May 11, 2005, FIG. 3 was objected to as including reference numeral "64." Reference numeral "64" has been amended to "164" in accordance with the specification. This change is reflected in the formal drawings submitted herewith.

Claims 1, 3-10, and 12-21 were allowed. Applicant gratefully acknowledges their allowance.

Claims 22-23 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,046,761 to Echerer (hereinafter "Echerer").

As amended, both claims 22 and 23 involve the receipt of information indicating that a patient-portable remote monitoring device seeks access to a medical monitoring service. Echerer is not understood to describe or suggest the receipt of such information.

In this regard, Echerer has nothing to do with patient-portable remote monitoring device. Instead, Echerer describes patient's stations 20 that communicate with practitioner's stations 100 via a communication link. *See* col. 4, line 7-9. According to col. 2, line 45-50 of Echerer, a patient's station:

"may be installed in any pharmacy, drugstore or large supermarkets having a pharmacy. Additionally, the station may also be located in airports, malls, or corporations which seek to provide on site medical attention for their employees. Moreover, many hospitals will install a station to allow sophisticated diagnoses of patients by specialists located in distant cities."

Since Echerer's patient's stations are installed at fixed locations, they are not patient-portable remote monitoring devices. Information received from patient's stations does not indicate that a patient-portable remote monitoring device seeks access to a medical monitoring service. Instead, Echerer makes no mention of patient-portable remote monitoring devices at all.

Since Echerer neither describes nor suggests the receipt of information indicating that a patient-portable remote monitoring device seeks access to a medical monitoring service, claims 22 and 23 are not anticipated by Echerer. Accordingly, Applicant requests that claims 22 and 23 be allowed.

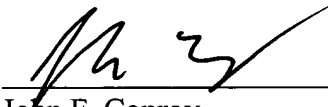
As to the incorporation by reference, attention is respectfully directed to Title 37 of the Code of Federal Regulations (March 4, 2005) (*available at* http://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf) which sets forth the text and effective dates of various portions of 37 C.F.R. § 1.57, including parts (b), (f), and (g). Applicant submits that the amendments set forth in the response filed Jan. 20, 2005 are in accordance with Rule 57 and therefore proper.

No fees are believed due at this time. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

8/1/05



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Amendments to the Drawings:

The attached replacement sheets of drawings include changes to Fig. 3 and replace the original sheets, including Fig. 3.

In FIG. 3, reference numeral "64" has been amended to "164" in accordance with the specification.

Attachments following last page of this Amendment:

Replacement Sheets (3 pages)
Annotated Sheet Showing Change (1 page)

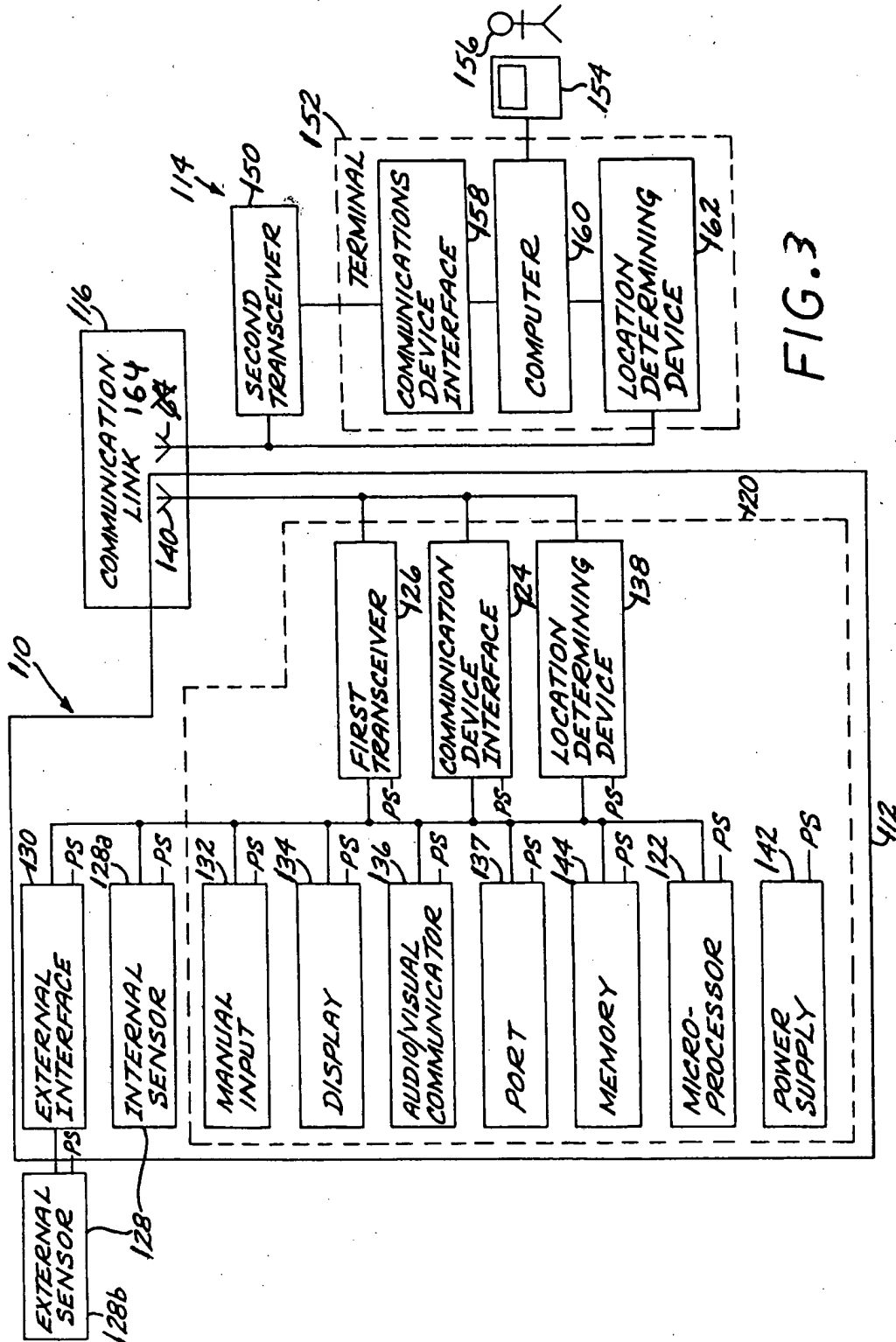


FIG. 3